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Attorneys for Defendants
WELLS FARGO BANK, N.A. and
WELLS FARGO & CO.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CLAUDIA SANCHEZ, ERIN WALKER and
WILLIAM SMITH, as individuals, and on behalf
of all others similarly situated,

Plaintiffs,

v.

WELLS FARGO & COMPANY; WELLS
FARGO BANK, N.A.; and DOES 1 through 125,

Defendants.

Civil Case No.: C-07-5923 WHA

CLASS ACTION

JOINT CASE MANAGEMENT STATEMENT

Hon. William H. Alsup

Date: February 27, 2008

Time: 9:00 a.m.

Complaint filed: November 21, 2007

1 **1. Status of the Case:**

2 Plaintiffs Claudia Sanchez, Erin Walker and William Smith filed their Complaint in this matter
3 on November 21, 2007. On December 28, 2007, shortly after the Complaint was served on Defendants
4 Wells Fargo & Company and Wells Fargo Bank, N.A., the Court stayed this case pending the ruling on
5 Plaintiffs' motion to vacate class action judgment in *Smith v. Wells Fargo N.A.*, No. GIC 802664 (San
6 Diego Superior Ct.). This case was put back on active status on February 13, 2008. This case was then
7 recently reassigned to this court, presided by Honorable William H. Alsup, on February 15, 2008.

8 As a result, this case is still in its earliest stages, and Defendants have yet to file a responsive
9 pleading. Defendants' response to the Complaint is due on March 3, 2008, pursuant to an order issued
10 by the Honorable Martin J. Jenkins.

11 **2. Jurisdiction and Service:**

12 This Court has original jurisdiction of this action under the Class Action Fairness Act of 2005.
13 The amount-in-controversy exceeds the sum or value of \$5,000,000 exclusive of interest and costs, and
14 there is minimal diversity because certain members of the class are citizens of a different state than any
15 defendant as required by 28 U.S.C., section 1332(d)(2).

16 Venue is proper in this judicial district because Defendants are headquartered in the City and
17 County of San Francisco, California.

18 All parties have been served.

19 **3. Facts:**

20 Plaintiffs contend that Defendants have improperly assessed them (as well as other customers)
21 overdraft charges for insufficient funds on debit/check card purchases and ATM withdrawals.

22 Defendants deny that they have engaged in any improper practice.

23 **4. Legal Issues:**

24 Disputed points of law include whether Defendants' practice and inadequate disclosure of the
25 practices constitute a violation of Consumer Legal Remedies Act, Civil Code section 1750, *et seq.*; the
26 Unfair Business Practices Act, Business & Professions Code section 17200, *et seq.*; and False
27 Advertising, Business & Professions Code section 17500, *et seq.*

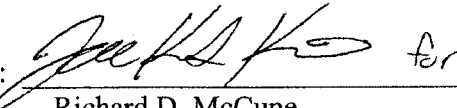
28 A further disputed point of law is whether Plaintiffs' claims warrant class certification.

1 **5. Further Proceedings:**

2 As discussed above, the parties have yet to conduct the Rule 26(f) joint conference, which would
3 determine the various other points that are required to be set forth in the contents of an initial Joint Case
4 Management Statement. The parties had intended to engage in the Rule 26(f) joint conference prior to
5 the Rule 16(b) Case Management Conference that the Honorable Judge Jenkins had ordered to occur
6 after April 15, 2008. Now that the case has been reassigned, the parties will, as required by the Rules,
7 engage in the Rule 26(f) joint conference prior to the Rule 16(b) Case Management Conference at a time
8 set by the Court (or as the Court may otherwise require).
9


10 DATED: February 25, 2008

McCUNE & WRIGHT LLP

11 By: 
12 Richard D. McCune
13 Attorneys for Plaintiffs

14 DATED: February 25, 2008

COVINGTON & BURLING LLP

15 By: 
16 David M. Jolley
17 Attorneys for Defendants
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